

APR 10 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SEAN DAVID SENGENBERGER,

Petitioner - Appellant,

v.

RALPH TOWNSEND, President, Idaho
Board of Corrections, State of Idaho,

Respondent - Appellee.

No. 04-35664

D.C. No. CV-01-00578-MHW

MEMORANDUM*

Appeal from the United States District Court
for the District of Idaho
Mikel H. Williams, Magistrate Judge, Presiding

Submitted April 5, 2006**

Before: HAWKINS, McKEOWN, and PAEZ, Circuit Judges.

Sean David Sengenberger appeals pro se from the district court's judgment denying his 28 U.S.C. § 2254 habeas corpus petition challenging the state's

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

determination that Sengenberger had violated conditions of his parole. We have jurisdiction under 28 U.S.C. § 2253, and we affirm.

Sengenberger has numerous claims that his counsel was ineffective at his violation of parole hearing. We assume, without deciding, that Sengenberger has standing to raise an ineffective assistance of counsel claim. The district court correctly held that the Idaho court's disposition of Sengenberger's claims were neither contrary to, nor an unreasonable application of, clearly established Federal law as determined by the Supreme Court. *See* 28 U.S.C. § 2254(d)(1); *Strickland v. Washington*, 466 U.S. 668, 691-92 (1984). Sengenberger is unable to show any prejudice from his counsel's alleged deficiencies. *See Strickland*, 466 U.S. at 691-92.

AFFIRMED.